

November 21, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary, Federal Communications
Commission
445 12th Street Lobby
Counter TW-A325
Washington, DC 20554

Re: Ex Parte Meeting
Implementation of the Satellite Home Viewer Improvement Act of 1999:
Broadcast Signal Carriage Issues, CS Docket No. 00-96

Dear Ms. Salas:

The Association of America's Public Television Stations ("APTS"), the Public Broadcasting Service ("PBS"), and the Corporation for Public Broadcasting ("CPB") hereby notify the Commission of an *ex parte* meeting to discuss issues addressed in our comments and reply comments and in our *ex parte* filing of the report of Strategic Policy Research in the above-captioned proceeding. The meeting occurred on November 20, 2000, and was attended by Marilyn Mohrman-Gillis, APTS and Greg Ferenbach, PBS. We met with Susan Eid, Legal Advisor to Commissioner Powell, and Commissioner Susan Ness and her Legal Advisor, David Goodfriend.

Sincerely,



Marilyn Mohrman-Gillis
Vice President
Policy and Legal Affairs

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Public Television's Position on DBS Local-into-Local Carriage Obligations

The SHVIA law - Section 338 of the Communications Act (as added by the Satellite Home Viewer Improvement Act of 1999) requires that by 2002, DBS providers must carry the signals of all local broadcast stations in those markets in which they chose to provide local service using the royalty-free compulsory copyright license.

- The law requires the Commission to adopt regulations implementing this legislation by November 29, 2000.

The law provides the DBS industry with a substantial benefit that carries corresponding obligations

- Section 338 gives DBS providers the significant benefit of a royalty-free compulsory copyright license to carry local broadcast signals into their local markets.
- In exchange, DBS providers have the obligation to:
 - Carry all local broadcast signals in markets in which they chose to provide local service using the compulsory license;
 - Carry the entirety of the broadcast signal;
 - Not degrade the broadcast signal;
 - Retransmit local broadcast signals on contiguous channels;
 - Provide access to local stations on a non-discriminatory basis, including on navigational devices and on-screen program guides;
 - Construct local uplink facilities in each designated market (or, alternatively, construct an uplink facility acceptable to at least half the local market stations asserting carriage rights).

The DBS industry has more than sufficient technical capacity to satisfy these statutory obligations

- Use of spot-beams in the Ku-band alone would triple the system capacity available for carriage of local signals without significant cost.
- By using the Ka-band, each operator using a single satellite with spot beams could carry the analog broadcasts of every local station in the U.S. with capacity remaining.
- If both Ka-band slots currently allotted to EchoStar and DirecTV were used, full carriage of all broadcast signals, whether digital or analog, could be achieved.
- If a single Ka-band satellite were operated as a “carrier’s carrier,” as proposed by Local TV on Satellite, the two current DBS operators could retain their Ka-band and Ku-band satellites for other services.
- Signal compression advances and increases in the number of realized bits per Hertz would further increase carrying capacity.
- If satellite operators shared satellite transponder capacity to transmit non-proprietary programming, including local stations, additional capacity economies would occur.

DBS carriers’ business decisions cannot be permitted to supplant the requirements of law and the intent of Congress

- Any alleged inability to provide local-into-local service in smaller markets is driven solely by the DBS operators’ business decisions to carry alternative video or non-video material or to reserve capacity.

All nonduplicative public television stations must be carried

- Congress and the FCC have stated that multiple carriage of public television stations serves the public interest.
- Programming of multiple public television stations in each market varies widely and addresses different audiences.
- Definition of non-duplication should be the same as in the cable context.

Congress’ express intent was to create regulatory parity between cable and DBS

- Any rules that the Commission adopts governing DBS operations should adhere to the statutory language and intent of Congress to have the rules modeled on current cable regulations.